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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,447	09/16/2003	Michael Dean Branham	LMX-157	1587
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DORITY & MANNING, P.A. POST OFFICE BOX 1449 GREENVILLE, SC 29602-1449			EXAMINER AMARI, ALESSANDRO V	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/663,447

Applicant(s)

BRANHAM, MICHAEL DEAN

Examiner

Alessandro V. Amari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-18, 20-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 9, 16, 17, 20, 23, 24 and 26 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 7, 8, 10-15, 18, 21, 22 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/29/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 6 is objected to because of the following informalities:

It appears that claim 6 should be canceled since it is dependent on claim 5, which has been canceled. Accordingly, claim 6 has no longer been treated on the merits. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 9, 16, 17, 20, 23, 24 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lang et al US 5,880,895.

In regard to claims 1, 16 and 23, Lang et al teaches (see Figures 2-12) a vehicle mirror assembly or a method of attaching a vehicle mirror assembly, the assembly or method comprising a mirror support arm (10); a tie bar (15) for connection between said support arm and the vehicle; a connection head having a connection element (22) carried by one of said support arm and tie bar as shown in Figure 11; a holder (23) carried by the other of said support arm and tie bar for attaching with said connection element; a positive lock assembly (44) disposed proximate the connection element, the positive lock assembly having a locking element (40, 45) and a biasing element (43) urging said locking element to a locking position with respect to said holder and yielding

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to allow the locking element to be moved in response to an external force so that said holder and connection element may be detached as described in column 5, lines 1-29; and said holder slidably receiving said connection element as shown in Figure 3 and as described in column 3, lines 65-67 and column 4, lines 1-34; said holder having a swivel face as described in column 3, lines 43-49 and column 4, lines 38-48, with a depression (24) as shown in Figure 10, said locking element positionable in said depression in said locking position, and said biasing element urging the positive lock assembly to said locking position in said depression so that the holder is detachably secured to said connection head as shown in Figure 3 and as described in column 5, lines 7-29.

Regarding claim 4, Lang et al teaches that at least a portion of the positive lock assembly defines a ball shaped cross section (see areas around elements 40 and 45) as shown in Figure 12.

Regarding claim 9, Lang et al teaches that the holder has a U-shaped cross section (28) as shown in Figure 10.

Regarding claim 17, Lang et al teaches that the connection head further defines a seat (42) configured to receive the positive lock assembly as shown in Figure 10.

Regarding claim 20, Lang et al teaches that said tie bar is configured for displacement along a longitudinal axis such that said holder and the connection element are slidable relative to each other to couple or uncouple the holder and the connection element as described in column 3, lines 65-67 and column 4, lines 1-48.

Regarding claim 24, Lang et al further teaches the step of displacing said tie bar along a longitudinal axis of the tie bar for one of sliding the holder and the connection

element apart or for sliding the holder and the connection element together as described in column 3, lines 65-67 and column 4, lines 1-48.

Regarding claim 26, Lang et al teaches providing a holder having a plurality of retaining projections (see protrusion below element 24) and having recesses (42) and sliding said recesses over the connection element as shown in Figure 10 and as described in column 3, lines 65-67, column 4, lines 1-37 and column 5, lines 7-29.

Allowable Subject Matter

4. Claims 2, 3, 7, 8, 10-15, 18, 21, 22 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claim 2 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, "a mounting element configured to mount the connection head to one of said support arm and tie bar" as set forth in the claimed combination. Claim 3 is also allowable based upon its dependence on claim 2.

Claim 7 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, "holder includes a plurality of retaining projections having recesses defined between the retaining projections" as set forth in the claimed combination. Claim 8 is also allowable based upon its dependence on claim 7.

Claims 10 and 22 are allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, "including an open end defined in the holder and a guide channel defined in the open end, the open end configured to receive

the connection element” as set forth in the claimed combination. Claims 11 and 12 are also allowable based upon its dependence on claim 10.

Claim 13 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, “said positive lock assembly includes a spring holder carried by the connection head” as set forth in the claimed combination. Claims 14 and 15 are also allowable based upon its dependence on claim 13.

Claim 18 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, “said locking element includes a spring element” as set forth in the claimed combination.

Claim 21 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, “the holder includes two retaining projections having recesses for slidably receiving said connection element slidable between said recesses, said retaining projections extending inwardly toward said depression” as set forth in the claimed combination.

Claim 27 is allowable over the prior art for at least the reason that the prior art fails to teach or reasonably suggest, “providing a holder having an open end and a guide channel disposed in the open end” as set forth in the claimed combination.

The prior art of record, Lang et al teaches a vehicle mirror assembly comprising a mirror support, a tie bar, a connection head, a holder and a positive lock assembly. However, the prior art does not teach a mounting element, or a holder includes a plurality of retaining projections having recesses defined between the retaining projections or including an open end defined in the holder and a guide channel defined

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in the open end or that the positive lock assembly includes a spring holder or element carried by the connection head or that the holder includes two retaining projections having recesses for slidably receiving said connection element slidable between said recesses, said retaining projections extending inwardly toward said depression and there is no motivation or teaching to modify this difference as derived.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ava/vq
04 January 2005


MARK A. ROBINSON
PRIMARY EXAMINER